

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICK NATHANIEL,

Plaintiff,

v.

NEW UNITED MOTOR MANUFACTURING,  
INC., et al.,

Defendants

No. C 04-5082 MMC

**ORDER VACATING JUNE 24, 2005  
HEARING**

Before the Court is the motion of defendants Dwayne Brown and Johanna Oakson to dismiss, pursuant to Rules 12(b)(5) and (b)(6) of the Federal Rules of Civil Procedure, plaintiff's First Amended Complaint. The matter is scheduled for hearing June 24, 2005. Pursuant to the Local Rules of this District, opposition was due no later than June 3, 2005. See Civil L. R. 7-3(a) (providing opposition to a motion must be filed no less than 21 days before the hearing date). To date, no opposition has been filed.

Accordingly, the Court deems the matter submitted on the moving papers and VACATES the hearing scheduled for June 24, 2005.

**IT IS SO ORDERED.**

Dated: June 8, 2005

/s/ Maxine M. Chesney  
MAXINE M. CHESNEY  
United States District Judge